

Senate Bill 379

By: Senators Hill of the 32nd, Murphy of the 27th, Chance of the 16th and Beach of the 21st

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 4 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia  
2 Annotated, relating to horns, exhaust systems, mirrors, windshields, tires, safety belts, and  
3 energy absorption systems, so as to provide that the failure to use safety belts may be  
4 considered evidence of causation and negligence; to provide that the failure to wear a safety  
5 belt cannot be the basis for cancellation of insurance; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 4 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated,  
10 relating to horns, exhaust systems, mirrors, windshields, tires, safety belts, and energy  
11 absorption systems, is amended by revising subsection (c) of Code Section 40-8-76, relating  
12 to safety belts required as equipment and safety restraints for children, as follows:

13 "(c) Violation of this Code section ~~shall not constitute~~ may be considered evidence of  
14 negligence per se nor or contributory negligence per se. Violation of subsection (b) of this  
15 Code section shall not be the basis for cancellation of coverage or increase in insurance  
16 rates."

17 **SECTION 2.**

18 Said part is further amended by revising subsection (d) of Code Section 40-8-76.1, relating  
19 to use of safety belts in passenger vehicles, as follows:

20 "(d) The failure of an occupant of a ~~motor~~ passenger vehicle to wear a seat safety belt in  
21 any seat of a ~~motor~~ passenger vehicle which has a seat safety belt or belts ~~shall not be~~  
22 ~~considered evidence of negligence or causation,~~ shall not otherwise be considered by the  
23 ~~finder of fact on any question of liability of any person, corporation, or insurer,~~ shall not  
24 be any basis for cancellation of coverage or increase in insurance rates, ~~and shall not be~~

25 ~~evidence used to diminish any recovery for damages arising out of the ownership,~~  
26 ~~maintenance, occupancy, or operation of a motor vehicle."~~

27 **SECTION 3.**

28 All laws and parts of laws in conflict with this Act are repealed.